Previous references.

File No. 62

1905.

Serial Nos. 1 to 3

(Courts.)

Later references.

Sainfile, U: 405,
Filed - 16 - 05.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 3

Part B. for September 1905.

SUBJECT.

Liability of Palace stipends to attachment for decrees.

FILE No. 62 of 1905-06.

Liability of Palace stipends to attachment for decrees.

1	D. O. dated the 16th August 1905, No. 100, from Mr. B. Ramakrishna Rao, Officer in Charge of the Palace Establishment. States that the Principal Munsiff of Mysore, who has issued a prohibitory order to attach the Palace stipend allowed to Mr. C. Devaraj Urs, Assistant Commissioner, in satisfaction of a claim against him by one Bala Gurappa, is of opinion that such stipends are liable to attachment under Section 266 of the Civil Procedure Code; that there has not been any case where it has been subjected to attachment; that it falls under clause 9 of the exceptions under the above Section and requests that necessary orders may therefore be issued in the matter.
2	D. O. No. 116, dated the 24th August 1905, from the same officer. Forwards copies of correspondence passed in the matter and solicits perusal of the correspondence relating to Mysore published at pages 111 to 115 of the Parliamentary Blue Book of 1878 regarding such stipends as pensions.
3	Government Proceedings No. J. 737-8—C. 623, dated the 7th September 1905. States that the Palace stipends should be regarded as political pensions and as such are exempt from attachment for decrees of Civil Courts.

G. R. S. 11] 1905-06

GENERAL AND REVENUE SECRETARIAT

Judicial

NOTES.

File. No 62

File Heading.

Liability of Palace stipends to attachment for decree.

From

Mr B. Ramakrishna Rao, Officer in Charge of the Palace Establishment, Mysore

No. 100 Dated 16/8/05 Received 31/8/05

Diary No. J 531 | Enclos. 1 file | Spare Copies. — | Serial No. 1

Brief Abstract of Letter.

States that the Principal Munsiff of Mysore, who has issued a prohibitory order to attach the ~~[illegible]~~ Palace stipend allowed to Mr C. Devaraj Urs, Arsu(?), in satisfaction of a claim against him by one Bala(?) [illegible], is of opinion that such stipends are liable to attachment under Sec 266 of the Civil Pro Code; that there has not been any case where it has been subjected to attachment; that it falls under clause (5) of the exceptions under the above section & requests that necessary orders may be issued & the point cleared from doubt once for all.

NOTES AND ORDERS.

Recorded [initials]
2-10-05

Notes—First sheet.

MGCPB—30,000—17-2-05.

G.R.S. 12]
General and Revenue
Secretariat.

File No. 6 of 1905

Serial No. 2

D.O. No. 116 of 14/8/05 from the Same Officer.

Forwards copies of correspondence passed in the matter & solicits perusal of the correspondence relating to Alleppey published at page 111–115 of the Parliamentary Blue Book of 1898, regarding such stipends as pensions.

[illegible] 31/8/05 31/8/05

Vide typed copy extracted from the gazette & putting flag A

1) The palace stipend which the Munsiff wants to attach is a political pension granted by the State under the Rules which were published with the Chief Commr's Notfn. No 80 of the 6th June 1870, and which were duly sanctioned by the Govt of India. They are therefore exempt from attachment by virtue of clause (g) of the proviso to Section 266 of the Civil Procedure Code. The Palace Officer may be asked to communicate this information to the Court concerned.

2) Whether a pension is a political one or not is a matter for the Govt to decide, & not for a Court of Justice, which, I take it, has to accept the description given by Govt.

To the Asst Secy
with the Dewan.

[illegible] 31-8-05

8423
1.9.05

3.) Send an order accordingly [illegible] the [illegible] papers

Draft [illegible] 1.IX.05

4.9.[illegible]

NOTE—Contn. sheet

MGCPB—50,000—17-2-05

G.R.S. 12]

General and Revenue Secretariat.

File No. 62 of 1905-06.

Serial No.	
	4) Draft submitted. J.K.S 5.9.05. S.N.
	5) Issue (a) K.S.L. 5.9.05
3.	Govt Pro: No J737-8 d/7-9-05, to the Officer in charge of the Palace establishment and the Registrar of the Chief Court of Mysore. States that the Palace ~~stipends~~ stipends are political pensions and as such are exempt from attachment for decrees of Civil Courts.

MGCPB—50,000—17-2-0.

/531

The Palace Office,
Mysore.
Dated 16th August 05.

D.O. No:- 100
E. 5

Sir,

The Principal Munsiff, Mysore City, has sent a Court Prohibitory order to attach the Palace Stipend allowed to Mr. C. Deva Raj Urs, Assistant Commissioner, Mysore District, in satisfaction of a claim against him by one Bala Gurappa residing in Devangada Rama Setty Pete, Bangalore.

I replied to him to say that as the Palace Stipend to Raja Bandhus is paid to them for their maintenance, it has not been the practice to bring it under attachment. He nevertheless writes back to say that under Section 266 of the Civil Procedure Code it is liable to attachment.

I beg to enclose for ready reference Extract from the Code where the section is given in full. It will be seen that Clause (9) under exceptions to this Section clearly exempts from attachment Stipends and Gratuities to Military and Civil Pensioners

Pensioners of Government and Political Pensions. The Palace Stipend would quite seem to fall within the scope contemplated by the exceptions, and as a matter of fact, there is not, so far as I can see on record, a single instance where it was ever subjected to attachment. I beg to enclose copies of communications from which it will be observed that the Courts therein referred to were informed by the Palace Authorities from time to time that the Palace Allowances to Raja Bandhus granted to them for the maintenance of their Families, being in the nature of Pensions, cannot be attached : and there has been no Mamool to subject the same to attachment. The Courts then took no further steps and the Stipends were not attached.

In these circumstances, I am instructed to lay the matter before you. I accordingly submit this and request the favor of your being pleased to arrange for issue of the needful orders so that the understanding may be made clear and exact once and for all.

With best regards,

I remain

Yours Sincerely,

[signature]

16 : 8 : 03.

To,
Sir P.N. Krishna Murti,
K.C.I.E.
Dewan of Mysore.

20.9.78.

19.10.78.

17.12.83.

12.1.84.

5

ಸಾಕ್ಷಿದಾರರು
113.

ಪ್ರಕರಣದಲ್ಲಿ ಸಾಕ್ಷಿದಾರರಾಗಿ ಹಾಜರಾಗಿದ್ದ
ಸಾಕ್ಷಿಗಳಿಗೆ ಸಮನ್ಸ್ ಜಾರಿಯಾಗಿದ್ದರೂ ಸಹ ಸಾಕ್ಷಿಗಳು
ಗೈರು ಹಾಜರಾಗಿದ್ದಲ್ಲಿ ಅಂತಹ ಸಾಕ್ಷಿಗಳ ವಿರುದ್ಧ
ಸೆಕ್ಷನ್ 362 ರಡಿ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಅಡ್ಡಿಯಿಲ್ಲ
ಎಂದು ಸುಪ್ರೀಂ ಕೋರ್ಟ್ ಅಭಿಪ್ರಾಯಪಟ್ಟಿದೆ.
ಆದ್ದರಿಂದ ಸಾಕ್ಷಿಗಳಾದ ಶ್ರೀ ಎ.ಬಿ.ಸಿ ಮತ್ತು
ಶ್ರೀ ಎಕ್ಸ್.ವೈ.ಜೆಡ್ ರವರುಗಳು ಸಮನ್ಸ್ ಜಾರಿಯಾದ
ನಂತರವೂ ಗೈರು ಹಾಜರಾಗಿರುವುದರಿಂದ ಸೆಕ್ಷನ್ 947
747
ರಡಿ ಇವರುಗಳ ವಿರುದ್ಧ ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗಿದೆ.

ಪ್ರಕರಣದಲ್ಲಿ ಸಾಕ್ಷಿದಾರರಾಗಿ ಹಾಜರಾಗಿದ್ದ
ಸಾಕ್ಷಿಗಳಿಗೆ ಸಮನ್ಸ್ ಜಾರಿಯಾಗಿದ್ದರೂ ಸಹ ಸಾಕ್ಷಿಗಳು
ಗೈರು ಹಾಜರಾಗಿದ್ದಲ್ಲಿ ಅಂತಹ ಸಾಕ್ಷಿಗಳ ವಿರುದ್ಧ
ಸೆಕ್ಷನ್ 362 ರಡಿ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಅಡ್ಡಿಯಿಲ್ಲ
ಎಂದು ಸುಪ್ರೀಂ ಕೋರ್ಟ್ ಅಭಿಪ್ರಾಯಪಟ್ಟಿದೆ.
ಆದ್ದರಿಂದ ಸಾಕ್ಷಿಗಳಾದ ಶ್ರೀ ಎ.ಬಿ.ಸಿ ಮತ್ತು
ಶ್ರೀ ಎಕ್ಸ್.ವೈ.ಜೆಡ್ ರವರುಗಳು ಸಮನ್ಸ್ ಜಾರಿಯಾದ
ನಂತರವೂ ಗೈರು ಹಾಜರಾಗಿರುವುದರಿಂದ ಸೆಕ್ಷನ್ 947
747
ರಡಿ ಇವರುಗಳ ವಿರುದ್ಧ ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗಿದೆ.

ಸಂಖ್ಯೆ
200.

ಪ್ರಕರಣದಲ್ಲಿ ಸಾಕ್ಷಿದಾರರಾಗಿ ಹಾಜರಾಗಿದ್ದ
ಸಾಕ್ಷಿಗಳಿಗೆ ಸಮನ್ಸ್ ಜಾರಿಯಾಗಿದ್ದರೂ ಸಹ ಸಾಕ್ಷಿಗಳು
ಗೈರು ಹಾಜರಾಗಿದ್ದಲ್ಲಿ ಅಂತಹ ಸಾಕ್ಷಿಗಳ ವಿರುದ್ಧ
ಸೆಕ್ಷನ್ 224 / ನಕಾರ 61 ರಡಿ ಕ್ರಮ
ಕೈಗೊಳ್ಳಲು ಅವಕಾಶವಿದೆ. ಈ ಬಗ್ಗೆ ಸುಪ್ರೀಂ
ಕೋರ್ಟ್‌ರವರು ಅಭಿಪ್ರಾಯಪಟ್ಟಿರುವಂತೆ
ಈ ಪ್ರಕರಣದಲ್ಲಿ 115-8 ರಡಿ ಕ್ರಮ
ಕೈಗೊಳ್ಳಲಾಗಿದೆ. ಆದ್ದರಿಂದ ಈ ಪ್ರಕರಣವನ್ನು
ಮುಂದೂಡಲಾಗಿದೆ.

16.10.86 ಪ್ರಕರಣದಲ್ಲಿ ಸಾಕ್ಷಿದಾರರು ಗೈರು ಹಾಜರಾಗಿದ್ದರಿಂದ
ಸಾಕ್ಷಿಗಳ ವಿರುದ್ಧ ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗಿದೆ

నంబరు.73 251

7.2.90.

14.3.87

63

ನ್ಯಾಯಾಲಯ

ಪ್ರಥಮ ನೇಮಿತ ಅಪರ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು

ಮಿಸ್ಸಿಸ್ ಮೇರಿ ಜಾನ್ಸನ್ ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಇವರ ಪರವಾಗಿ
ಶ್ರೀ ಕೆ.ಎಲ್. ಹನುಮಂತಯ್ಯ ಎಂಬವರು ಹಾಜರಾಗಿ ವಾದಿಸಿದರು.
ಶ್ರೀ ಎಂ.ಎಸ್. ಶಿವಣ್ಣ ಎಂಬವರು ಪ್ರತಿವಾದಿಯ ಪರವಾಗಿ
ಹಾಜರಾಗಿ ವಾದಿಸಿದರು. ಈ ಮೂಲ ದಾವೆಯನ್ನು ಪರಿಶೀಲಿಸಿ
ಮತ್ತು ಪಕ್ಷಗಾರರ ವಾದವನ್ನು ಆಲಿಸಿದ ನಂತರ ಈ ಕೆಳಕಂಡ
ತೀರ್ಪನ್ನು ಈ ದಿನ ಅಂದರೆ ದಿನಾಂಕ 22.7.1890 ರಂದು
ಪ್ರಕಟಿಸಲಾಗಿದೆ.

ಈ ದಾವೆಯು ವಾದಿಯು ಪ್ರತಿವಾದಿಯ ವಿರುದ್ಧ ಸಲ್ಲಿಸಿರುವ
ಒಂದು ಕಾಯಂ ತಡೆಯಾಜ್ಞೆಗಾಗಿ ಸಲ್ಲಿಸಿರುವ ದಾವೆಯಾಗಿದೆ.
ವಾದಿಯು ತನ್ನ ದಾವೆಯಲ್ಲಿ ಈ ಕೆಳಕಂಡಂತೆ ಹೇಳಿರುತ್ತಾಳೆ.
ವಾದಿಯು ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಪಟ್ಟಣದ ಮುಖ್ಯ ರಸ್ತೆಯಲ್ಲಿ
ಸರ್ವೆ ನಂ. 142/3 ರಲ್ಲಿ ಒಂದು ಎಕರೆ ಜಮೀನನ್ನು
ಹೊಂದಿರುತ್ತಾಳೆ. ಈ ಜಮೀನಿನಲ್ಲಿ ಒಂದು ಹಳೆಯ ಕಟ್ಟಡವಿದ್ದು
ಅದರಲ್ಲಿ ವಾದಿಯು ಒಂದು ಅಂಗಡಿಯನ್ನು ನಡೆಸುತ್ತಿರುತ್ತಾಳೆ.
ಪ್ರತಿವಾದಿಯು ಇತ್ತೀಚೆಗೆ ವಾದಿಯ ಜಮೀನಿನ ಪಕ್ಕದಲ್ಲಿ
ಒಂದು ಹೊಸ ಕಟ್ಟಡವನ್ನು ನಿರ್ಮಿಸಲು ಪ್ರಾರಂಭಿಸಿದ್ದು,
ಆ ಕಟ್ಟಡದ ಕೆಲವು ಭಾಗವು ವಾದಿಯ ಜಮೀನಿನ ಗಡಿಯನ್ನು
ಅತಿಕ್ರಮಿಸಿ ನಿರ್ಮಾಣವಾಗುತ್ತಿದೆ ಎಂದು ವಾದಿಯು ಆರೋಪಿಸಿದ್ದಾಳೆ.
ಪ್ರತಿವಾದಿಯು ಈ ಆರೋಪವನ್ನು ನಿರಾಕರಿಸಿದ್ದಾನೆ.
ಆದರೆ ಕಟ್ಟಡ ನಿರ್ಮಾಣ ಕಾರ್ಯವು ಮುಂದುವರಿದಿದೆ.
ವಾದಿಯು ತನ್ನ ಜಮೀನಿನ ಹದ್ದುಬಸ್ತನ್ನು ಸರ್ವೆ ಇಲಾಖೆಯಿಂದ
ಅಳತೆ ಮಾಡಿಸಿಲ್ಲವೆಂದು ಒಪ್ಪಿಕೊಂಡಿದ್ದಾಳೆ. ಆದರೆ ತನಗೆ
ಹಲವು ವರ್ಷಗಳಿಂದ ತಿಳಿದಿರುವಂತೆ ಗಡಿಗಳು ಇವೆ ಎಂದು
ಹೇಳಿದ್ದಾಳೆ. ಪ್ರತಿವಾದಿಯು ತನ್ನ ಕಟ್ಟಡವು ತನ್ನ ಜಮೀನಿನೊಳಗೆ
ಮಾತ್ರ ಇದೆ ಎಂದು ಹೇಳಿದ್ದಾನೆ. ಆದರೆ ಅದನ್ನು ಸಾಬೀತುಪಡಿಸಲು
ಯಾವುದೇ ಸರ್ವೆ ವರದಿಯನ್ನು ಹಾಜರುಪಡಿಸಿಲ್ಲ.
ಪ್ರತಿವಾದಿಯು ಕಟ್ಟಡ ನಿರ್ಮಾಣವನ್ನು ಮುಂದುವರಿಸಿದ್ದಾನೆ.
ಆದ್ದರಿಂದ ವಾದಿಯು ಈ ದಾವೆಯನ್ನು ಸಲ್ಲಿಸಿದ್ದಾಳೆ.

28/36 7.90

65

6.8.90.

ನಾಮಕರಣ
104 ಅಕ್ಷಯನಿಯಂ ಅಕ್ಷಿಸಿನ ಇಂದ

26.11.91.

ನಾಮಕರಣ
17 ಅಕ್ಷಯನಿಯಂ ಅಕ್ಷಿಸಿನ ಇಂದ

98.99 ನೇ ಸಾಲಿನ ಸಂ.ಎಣಿಕೆ ನಂಬರು 10.
98.99 ನೇ ಸಾಲಿನ ಖಾತೆ ನಂಬರು 28.

21.7.98

ನೇಮಕ
107

ದಿನಾಂಕ 24.1.07 ರಂದು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯ ಸಂಬಂಧದಲ್ಲಿ
ಈ ಕಛೇರಿಯ ಜ್ಞಾಪನ ಸಂಖ್ಯೆ 107/04-3 ದಿನಾಂಕ 31.1.07 ರಲ್ಲಿ
ಆಯ್ಕೆಯಾಗಿರುವ ಅಭ್ಯರ್ಥಿಗಳ ಪಟ್ಟಿಯಲ್ಲಿ ತಮ್ಮ ಹೆಸರು ಇಲ್ಲದಿರುವ
ಬಗ್ಗೆ ತಿಳಿಸಿರುತ್ತೀರಿ. ಈ ಕಛೇರಿಯ ಜ್ಞಾಪನ ಸಂಖ್ಯೆ 107/04-3
ದಿನಾಂಕ 31.1.07 ರಲ್ಲಿ ಆಯ್ಕೆಯಾಗಿರುವ ಅಭ್ಯರ್ಥಿಗಳ ಪಟ್ಟಿಯಲ್ಲಿ
ತಮ್ಮ ಹೆಸರು ಇಲ್ಲದಿರುವ ಬಗ್ಗೆ ತಿಳಿಸಿರುತ್ತೀರಿ. ಈ ಕಛೇರಿಯ
ಜ್ಞಾಪನ ಸಂಖ್ಯೆ 107/04-3 ದಿನಾಂಕ 31.1.07 ರಲ್ಲಿ ಆಯ್ಕೆಯಾಗಿರುವ
ಅಭ್ಯರ್ಥಿಗಳ ಪಟ್ಟಿಯಲ್ಲಿ ತಮ್ಮ ಹೆಸರು ಇಲ್ಲದಿರುವ ಬಗ್ಗೆ ತಿಳಿಸಿರುತ್ತೀರಿ.
ಈ ಕಛೇರಿಯ ಜ್ಞಾಪನ ಸಂಖ್ಯೆ 107/04-3 ದಿನಾಂಕ 31.1.07 ರಲ್ಲಿ
ಆಯ್ಕೆಯಾಗಿರುವ ಅಭ್ಯರ್ಥಿಗಳ ಪಟ್ಟಿಯಲ್ಲಿ ತಮ್ಮ ಹೆಸರು ಇಲ್ಲದಿರುವ
ಬಗ್ಗೆ ತಿಳಿಸಿರುತ್ತೀರಿ.

31.1.07.

ನೇಮಕ
2.

ದಿನಾಂಕ 12.7.03 ರಂದು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯ ಸಂಬಂಧದಲ್ಲಿ
ಈ ಕಛೇರಿಯ ಜ್ಞಾಪನ ಸಂಖ್ಯೆ 107/04-3 ದಿನಾಂಕ 31.1.07 ರಲ್ಲಿ
ಆಯ್ಕೆಯಾಗಿರುವ ಅಭ್ಯರ್ಥಿಗಳ ಪಟ್ಟಿಯಲ್ಲಿ ತಮ್ಮ ಹೆಸರು ಇಲ್ಲದಿರುವ
ಬಗ್ಗೆ ತಿಳಿಸಿರುತ್ತೀರಿ. ಈ ಕಛೇರಿಯ ಜ್ಞಾಪನ ಸಂಖ್ಯೆ 107/04-3
ದಿನಾಂಕ 31.1.07 ರಲ್ಲಿ ಆಯ್ಕೆಯಾಗಿರುವ ಅಭ್ಯರ್ಥಿಗಳ ಪಟ್ಟಿಯಲ್ಲಿ
ತಮ್ಮ ಹೆಸರು ಇಲ್ಲದಿರುವ ಬಗ್ಗೆ ತಿಳಿಸಿರುತ್ತೀರಿ. ಈ ಕಛೇರಿಯ
ಜ್ಞಾಪನ ಸಂಖ್ಯೆ 107/04-3 ದಿನಾಂಕ 31.1.07 ರಲ್ಲಿ ಆಯ್ಕೆಯಾಗಿರುವ
ಅಭ್ಯರ್ಥಿಗಳ ಪಟ್ಟಿಯಲ್ಲಿ ತಮ್ಮ ಹೆಸರು ಇಲ್ಲದಿರುವ ಬಗ್ಗೆ ತಿಳಿಸಿರುತ್ತೀರಿ.

19.10.03.

Copies
Bhanumurthy
16.8.03

1532

The Palace Office,

M y s o r e.

D.O. No:- 116 Pols. 2. Dated 24th Aug. '05.

Sir,

Please permit me, in continuation of my Demi Official letter No: 100 of the 16th Instant, to submit herewith copies of the papers marginally noted relating to the proposed attachment of the Palace Stipend allowed to Mr. C. Deva Raj Urs, on account of his civil liabilities.

(1) Official letter from the District Judge, Mysore, No: 417/105 of 20th August 1905.
(2) Demi Official letter to-----Do-------- No: 115 of the 24th August 1905.
(3) Enclosure to the said Demi Official letter No: 336 of the 16/18th August 1905.
(4) Full extract of Section 266 of the Civil Procedure Code.

I beg leave in this connection to solicit your kind perusal of the correspondence published at pages 111-115 of the Parliamentary Blue Book of 1878 relating to Mysore, from which it will be seen that the Palace Stipends are regarded as Pensions and the rules relating thereto have

To, (1)

The Officer in charge of the

Palace Establishments, Mysore.

No: 417/105----------Dated20th August 1905.

Sir,

With reference to the Principal Munsiff's No: 1 5 5 and its enclosures regarding the attachment of the Palace allowance of Mr. C . Devaraj Urs, Assistant Commissioner, I have the honor to request that you will kindly let me know under what authority you refused to receive the attachment notice. I wish to point out that under clauses(g & h)of Section 266 of the Civil Procedure Code Stipends and gratuities allowed to Civil & Military pensioners of Government & Political pensions, and the salary of a public officer when such salary does not exceed ₹ 20/ per mensem are exempted from attachment. The allowance in question does not fall under the above clauses, but under clause(m) any allowance declared by any law passed by the Government o f Mysore to be exempt from attachment or sale in execution of a decree cannot be attached. I shall esteem it a favour if you will

kindly

Stipends are quite in the nature of Pensions.

I have recently submitted the matter to the Dewan Saheb in my Demi - official letter No: 100 of the 16th Instant: and I expect the orders of Government early.

Believe me,

Yours Sincerely,

Signed/. B. Ramakrishna Row.

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To, (3)

Principal Munsiff,

M y s o r e.

No: 336----------Dated 16/18th August 1905.

His No: 84 dated 20th July 1905, on the subject of the Prohibitory order of the Court regarding the Palace Stipend allowed to Mr. C . Deva Raj Urs, Assistant Commissioner.

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In

In reply, has the honor to inform that in the peculiar circumstances of the case, the requisition in question cannot be complied with. As already stated in this office No: 14 of 18th July 1905 the Palace allowance under notice is part of the allowances to R a j a bandhus granted for their family maintenance. These, it has never been usual to place under attachment although the same was asked for before in several instances.

The Notice under reference is accordingly returned.

Signed/.B. Ramakrishna Row.

Officer in charge of the Palace Estts.

Copies.

No (4) 19

F - Of attachment of Property.

266. The following property is liable to attachment and sale in execution of a decree (namely), l a n d s, houses, or other buildings goods, money, Bank notes, cheques, bills of exchange, hundis, promissary notes, Government securities, bonds, or other securities for money, debts, shares in the capital or joint-stock of any railway, banking, or other public Company or Corporation, and, except as herein-after mentioned, all other saleable property, moveable or immoveable, belonging to the judgment-debtor, or over which, or the profits of which, he has a disposing power, which he may exercise, for his own benefit, and whether the same be held in the name of the judgment-debtor or by another person, in trust for him or on his behalf

Property liable to attachment and sale in execution of decree.

Provided that the following particulars shall not be liable such attachment or sale (namely) :-

(a) The necessary wearing apparel "and bedding" of the judgment-debtor, his wife, and children;

(b) tools of artizans, and, where the judgment-debtor is an agriculturist, his implements of husbandry and such cattle "and seed-grain" as may in the opinion of the Court, be necessary to enable him to earn his livelihood as such;

(c) the materials of houses and other buildings belonging to occupied by agriculturists;

(d) books of account;

(e) mere rights to sue for damages;

(f) any right of personal service;

(g) stipends and gratuities allowed to military and civil pens-ers of Government, and political pensions;

(h) the salary of a public Officer or of any servant of a Rail way Company or local authority to the extent of -

(I) the whole of the salary where the salary does not exceed twenty rupees monthly;

(II) twenty rupees monthly where the salary exceeds twenty and does not exceed forty rupees monthly; and

(III) one moiety of the salary in any other case;

(i) the pay and allowances of persons to whom the Native Articles of War apply;

(j) the wages of labourers and domestic servants;

(k) an expectancy of succession by survivorship or other merely contingent or possible right or interest;

(l) a right to future maintenance;

(m) any allowance declared by any law passed under the Indian Councils Act, 1861, by a Governor or a Lieutenant-Governor in Council to be exempt from liability to attachment or sale in execution of a decree;

(n) where the judgment-debtor is a person liable for the paymen of land-revenue, any moveable property which under any law applicable t him is exempt from sale for the recovery of an arrear of such revenue ;

Explanation - The particulars mentioned in clauses (g),(h),(i) "(j),and (m)" are exempt from attachment or sale, whether before or afte they are actually payable;

Provided also that nothing in this Section shall be deemed -

(a) to exempt the materials of houses and other buildings fro attachment or sale in execution of decrees for rent, or

(b) to affect the Army Act, 1881, or any similar law for the t being in force.

Edward
25/8/13

G.R.S. 28]

File No. 62

Serial No. 3

Diary No. of letter replied to ——

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Confl.)

, *the* 7/9/ 1905.

Date of issue 7/9/05

Signed by Mr. K. S. Chandrasekhara Aiyar

READ.—Correspondence ending with D.O. letter No. 116 of the 24th August 1905 from the Officer in charge of the Palace establishments, Mysore, forwarding copies of correspondence passed between him & the Principal Munsiff & District Judge of Mysore in the matter of a prohibitory order issued by the Principal Munsiff for attaching the palace stipend allowed to Mr. C. Devaraj Urs, Asst. Jamadar, Mysore, in satisfaction of a claim against him by one Bala Girdappa, vindugi

~~ORDER THEREON~~ No.

over

SUBJECT

22

Bungalow & requesting that as it has not been customary to subject these stipends to attachment, the necessary orders may be passed in the matter..

Ords. Memo:— Nos. 737-8 / C: 62-3 d/ 7/9/05

The palace stipend which the Munsiff wants to attach is a political pension granted by the State under rules which were published with the Chief Commr's Notification No. 80 of the 6th June 1890 and which were duly sanctioned by the Govt. of India. They are therefore exempt from attachment by virtue of clause (g) of the proviso to Section 266 of the Civil Pro Code.

The officer in charge of the Palace Establishment ~~therefore requested~~ should ~~to communicate~~ bring this information to the notice of the Court concerned.

[illegible] 5/9/05

[illegible] for D/Secretary

Copied [illegible] 6/9/05

Examined. [illegible] 7/9/05

[illegible] 5/9/05

To The officer in charge of the Palace Establishment, Mysore

[illegible] 5/9/05 Registrar Chief Court & Munsiff Mysore for information